

**Security Council**

Distr.: General
18 November 2010

Resolution 1948 (2010)

**Adopted by the Security Council at its 6426th meeting, on
18 November 2010**

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia and relevant statements of its President, including resolutions 1031 (1995) of 15 December 1995, 1088 (1996) of 12 December 1996, 1423 (2002) of 12 July 2002, 1491 (2003) of 11 July 2003, 1551 (2004) of 9 July 2004, 1575 (2004) of 22 November 2004, 1639 (2005) of 21 November 2005, 1722 (2006) of 21 November 2006, 1764 (2007) of 29 June 2007, 1785 (2007) of 21 November 2007, 1845 (2008) of 20 November 2008, 1869 (2009) of 25 March 2009, and 1895 (2009) of 18 November 2009,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Emphasizing its full support for the High Representative's continued role in Bosnia and Herzegovina,

Underlining its commitment to support the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the Peace Agreement, S/1995/999, annex), as well as the relevant decisions of the Peace Implementation Council (PIC),

Recalling all the agreements concerning the status of forces referred to in appendix B to annex I-A of the Peace Agreement, and *reminding* the parties of their obligation to continue to comply therewith,

Further recalling the provisions of its resolution 1551 (2004) concerning the provisional application of the status of forces agreements contained in appendix B to annex I-A of the Peace Agreement,

Emphasizing its appreciation to the High Representative, the Commander and personnel of the multinational stabilization force (EUFOR), the Senior Military Representative and personnel of the NATO Headquarters Sarajevo, the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU) and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,



Welcoming the adoption by the authorities of Bosnia and Herzegovina of a strategy for implementation of annex 7 of the Peace Agreement, focused on the strategy for the return of refugees, and *emphasizing* that a comprehensive and coordinated return of refugees and displaced persons throughout the region continues to be crucial to lasting peace,

Recalling the declarations of the Ministerial meetings of the Peace Implementation Conference,

Recognizing that full implementation of the Peace Agreement is not yet complete, while *paying tribute* to the achievements of the authorities at State and entity level in Bosnia and Herzegovina and of the international community in the fifteen years since the signing of the Peace Agreement,

Emphasizing the importance of Bosnia and Herzegovina's progress towards Euro-Atlantic integration on the basis of the Peace Agreement, while *recognizing* the importance of Bosnia and Herzegovina's transition to a functional, reform-oriented, modern and democratic European country,

Noting the reports of the High Representative, including his latest report of 21 October 2010,

Determined to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994 and the statement of its President on 10 February 2000 (S/PRST/2000/4),

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

Welcoming the decision taken by EU Foreign Ministers on 25 January 2010 to start providing non-executive capacity-building and training support, within the framework of Operation Althea,

Welcoming the conclusions of EU Foreign Ministers on 25 October 2010, which confirmed the EU's commitment to a continuing executive mandate for EUFOR to support Bosnia and Herzegovina's efforts to maintain the safe and secure environment, under a renewed United Nations mandate as well as to the continuing provision of non-executive capacity-building and training support in order to contribute to strengthening local ownership and capacity,

Recalling the letters between the European Union and NATO sent to the Security Council on 19 November 2004 on how those organizations will cooperate together in Bosnia and Herzegovina in which both organizations recognize that the EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement (S/2004/916; S/2004/915),

Further recalling the confirmation by the Presidency of Bosnia and Herzegovina, on behalf of Bosnia and Herzegovina, including its constituent entities, of the arrangements for EUFOR and the NATO Headquarters presence (S/2004/917),

Welcoming the European Union's increased engagement in Bosnia and Herzegovina and the continued engagement of NATO,

Reiterating once again its calls on the authorities in Bosnia and Herzegovina to implement in full their undertakings as also confirmed by the PIC Steering Board declaration of 30 June 2010, and recognizing in particular the need to find a solution on State and Defence Property,

Welcoming the increased turn-out and orderly conduct of the elections on 3 October, which have been generally in line with international standards and calling on the political leaders elected now to engage constructively in a political dialogue and form new governments that will address with urgency important policies and priorities,

Welcoming the EU's decision on 8 November 2010 to grant visa-free entry to citizens of Bosnia and Herzegovina as a concrete step forward in the country's path towards the EU,

Calling on all Bosnia and Herzegovina's political leaders to refrain from divisive rhetoric and make further concrete and tangible progress towards EU integration,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* once again its support for the Peace Agreement, as well as for the Dayton Paris Agreement on implementing the Federation of Bosnia and Herzegovina of 10 November 1995 (S/1995/1021, annex) and *calls upon* the parties to comply strictly with their obligations under those Agreements;

2. *Reiterates* that the primary responsibility for the further successful implementation of the Peace Agreement lies with the authorities in Bosnia and Herzegovina themselves and that the continued willingness of the international community and major donors to assume the political, military and economic burden of implementation and reconstruction efforts will be determined by the compliance and active participation by all the authorities in Bosnia and Herzegovina in implementing the Peace Agreement and rebuilding a civil society, in particular in full cooperation with the International Tribunal for the Former Yugoslavia, in strengthening joint institutions, which foster the building of a fully functioning self-sustaining State, able to integrate itself into the European structures and in facilitating returns of refugees and displaced persons;

3. *Reminds* the parties once again that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, as it carries out its responsibilities for dispensing justice impartially, and underlines that full cooperation by States and entities with the International Tribunal includes, inter alia, the surrender for trial or apprehension of all persons indicted by the Tribunal and provision of information to assist in Tribunal investigations;

4. *Emphasizes* its full support for the continued role of the High Representative in monitoring the implementation of the Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement, and reaffirms that under annex 10 of the Peace Agreement the High Representative is the final authority in theatre regarding the interpretation of civilian implementation of the Peace Agreement and that in case of dispute he may give his interpretation and make recommendations, and make binding decisions as he judges necessary on issues as elaborated by the Peace Implementation Council in Bonn on 9 and 10 December 1997;

5. *Expresses* its support for the declarations of the Ministerial meetings of the Peace Implementation Conference;

6. *Reaffirms* its intention to keep implementation of the Peace Agreement and the situation in Bosnia and Herzegovina under close review, taking into account the reports submitted pursuant to paragraphs 18 and 21 below, and any recommendations those reports might include, and its readiness to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

7. *Recalls* the support of the authorities of Bosnia and Herzegovina for EUFOR and the continued NATO presence and their confirmation that both are the legal successors to SFOR for the fulfilment of their missions for the purposes of the Peace Agreement, its annexes and appendices and relevant United Nations Security Council resolutions and can take such actions as are required, including the use of force, to ensure compliance with annexes 1-A and 2 of the Peace Agreement and relevant United Nations Security Council resolutions;

8. *Pays tribute* to those Member States which participated in the multinational stabilization force (EUFOR), and in the continued NATO presence, established in accordance with its resolution 1575 (2004) and extended with its resolutions 1639 (2005), 1722 (2006), 1785 (2007), 1845 (2008), and 1895 (2009), and welcomes their willingness to assist the Parties to the Peace Agreement by continuing to deploy a multinational stabilization force (EUFOR) and by maintaining a continued NATO presence;

9. *Welcomes* the EU's intention to maintain an EU military operation to Bosnia and Herzegovina from November 2010;

10. *Authorizes* the Member States acting through or in cooperation with the EU to establish for a further period of twelve months, starting from the date of the adoption of this resolution, a multinational stabilization force (EUFOR) as a legal successor to SFOR under unified command and control, which will fulfil its missions in relation to the implementation of annex 1-A and annex 2 of the Peace Agreement in cooperation with the NATO Headquarters presence in accordance with the arrangements agreed between NATO and the EU as communicated to the Security Council in their letters of 19 November 2004, which recognize that EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement;

11. *Welcomes* the decision of NATO to continue to maintain a presence in Bosnia and Herzegovina in the form of a NATO Headquarters in order to continue to assist in implementing the Peace Agreement in conjunction with EUFOR and

authorizes the Member States acting through or in cooperation with NATO to continue to maintain a NATO Headquarters as a legal successor to SFOR under unified command and control, which will fulfil its missions in relation to the implementation of annex 1-A and annex 2 of the Peace Agreement in cooperation with EUFOR in accordance with the arrangements agreed between NATO and the EU as communicated to the Security Council in their letters of 19 November 2004, which recognize that EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement;

12. *Reaffirms* that the Peace Agreement and the provisions of its previous relevant resolutions shall apply to and in respect of both EUFOR and the NATO presence as they have applied to and in respect of SFOR and that therefore references in the Peace Agreement, in particular in annex 1-A and its appendices, and relevant resolutions to IFOR and/or SFOR, NATO and the NAC shall be read as applying, as appropriate, to the NATO presence, EUFOR, the European Union and the Political and Security Committee and Council of the European Union respectively;

13. *Expresses* its intention to consider the terms of further authorization as necessary in the light of developments in the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina;

14. *Authorizes* the Member States acting under paragraphs 10 and 11 above to take all necessary measures to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement, stresses that the parties shall continue to be held equally responsible for the compliance with that annex and shall be equally subject to such enforcement action by EUFOR and the NATO presence as may be necessary to ensure implementation of those annexes and the protection of EUFOR and the NATO presence;

15. *Authorizes* Member States to take all necessary measures, at the request of either EUFOR or the NATO Headquarters, in defence of the EUFOR or NATO presence respectively, and to assist both organizations in carrying out their missions, and recognizes the right of both EUFOR and the NATO presence to take all necessary measures to defend themselves from attack or threat of attack;

16. *Authorizes* the Member States acting under paragraphs 10 and 11 above, in accordance with annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

17. *Demands* that the parties respect the security and freedom of movement of EUFOR, the NATO presence, and other international personnel;

18. *Requests* the Member States acting through or in cooperation with the EU and the Member States acting through or in cooperation with NATO to report to the Council on the activity of EUFOR and NATO Headquarters presence respectively, through the appropriate channels and at least at three-monthly intervals;

19. *Invites* all States, in particular those in the region, to continue to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraphs 10 and 11 above;

20. *Reiterates* its appreciation for the deployment by the EU of its Police Mission (EUPM) to Bosnia and Herzegovina since 1 January 2003;

21. *Also requests* the Secretary-General to continue to submit to the Council reports from the High Representative, in accordance with annex 10 of the Peace Agreement and the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 (S/1996/1012), and later Peace Implementation Conferences, on the implementation of the Peace Agreement and in particular on compliance by the parties with their commitments under that Agreement;

22. *Decides* to remain seized of the matter.

**Security Council**

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23 November 2010

Resolution 1949 (2010)

**Adopted by the Security Council at its 6428th meeting, on
23 November 2010**

The Security Council,

Recalling its previous resolutions and statements of its President concerning the situation in Guinea-Bissau, in particular its resolution 1876 (2009),

Expressing its deep concern at the continuing instability in Guinea-Bissau, in particular the lack of civilian oversight and control of the armed forces and the continued detentions without due process of law that followed the events of 1 April 2010,

Stressing the fact that such developments demonstrate the fragility of the political situation, and jeopardize the efforts to consolidate peace and stability, as well as the rule of law in Guinea-Bissau,

Noting with deep concern the threats to national and subregional security and stability posed by the growth in drug trafficking and organized crime in Guinea-Bissau,

Recognizing the need to tackle the problem of drug trafficking in the countries of origin, transit and final destination through an approach of common and shared responsibility,

Reaffirming that the Government of Guinea-Bissau and all stakeholders must remain committed to national reconciliation through genuine and inclusive political dialogue, respect for constitutional order, security sector reform, the promotion of the rule of law and human rights, and the fight against impunity and illicit drug trafficking,

Stressing the importance of security sector reform, and reiterating the continued support of the United Nations and the international community for the long-term security and development of Guinea-Bissau, particularly in the fields of security sector reform, justice, and in building the capacity of the Government to tackle illicit drug trafficking,

Reiterating the importance of regional and subregional cooperation in addressing the challenges faced by Guinea-Bissau and in this regard *welcoming* the appointment by the Chairperson of the African Union (AU) Commission of a



Special Representative as well as the establishment and operationalization of the AU Liaison Office in the country,

Welcoming the efforts of the Economic Community of West African States (ECOWAS) and the Community of Portuguese-Speaking Countries (CPLP) to support the reform of the defence and security sector in Guinea-Bissau and encouraging the international community to remain engaged in addressing key challenges in the country,

Encouraging relevant stakeholders to remain engaged in addressing key governance and peacebuilding challenges in the country,

Welcoming the letter from President Malam Bacai Sanha dated 20 September 2010 to ECOWAS requesting support and assistance in the implementation of security sector reform in Guinea-Bissau,

Emphasizing that the Government of Guinea-Bissau bears the primary responsibility for security, the protection of its civilian population, peacebuilding and long-term development in the country,

Recalling its appreciation for the work of the Peacebuilding Commission and the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) in coordinating the assistance provided by the United Nations and international partners to Guinea-Bissau,

Reaffirming its full commitment to the consolidation of peace and stability in Guinea-Bissau,

1. *Decides* to extend the mandate of the United Nations Integrated Peacebuilding Office in Guinea-Bissau as established in paragraph 3 of resolution 1876 (2009), until 31 December 2011;

2. *Takes note* of the report of the Secretary-General on Guinea-Bissau dated 25 October 2010 (S/2010/550) and of the recommendations contained therein and welcomes the activities of UNIOGBIS;

3. *Requests* the Secretary-General to develop a strategic workplan with appropriate benchmarks to measure and track progress on the implementation of the UNIOGBIS mandate;

4. *Urges* the Government and all political stakeholders in Guinea-Bissau to work together to consolidate peace and stability in the country and intensify efforts for genuine and inclusive political dialogue and national reconciliation and requests the Secretary-General, including through his Special Representative, to support such efforts;

5. *Urges* members of the Armed Forces of Guinea-Bissau, in particular its leaders, to respect constitutional order, civilian rule and oversight, as well as the rule of law and human rights, to refrain from any interference in political issues, to guarantee the security of the national institutions, as well as the population in general, and to fully participate in the reform of the defence and security sector;

6. *Further urges* Guinea-Bissau's political leaders to refrain from involving the military and the judiciary in politics and calls on them to use legal and peaceful means to resolve differences;

7. *Calls on* the Government of Guinea-Bissau to conclude the investigations into the political assassinations of March and June 2009 and ensure that the results of the investigations and the work of the National Commission of Inquiry are credible, transparent and consistent with internationally agreed standards and to ensure the prosecution of those responsible for criminal acts, so that they are held accountable;

8. *Requests* the Secretary-General to assist in the conclusion of these investigations and overall efforts to end impunity, promote the rule of law and constitutional order in Guinea-Bissau;

9. *Calls upon* the Government of Guinea-Bissau to ensure the prosecution with full respect for due process of those responsible for criminal acts, such as political assassinations and drug trafficking, and calls on the AU, ECOWAS, the European Union (EU), CPLP and bilateral partners to support these efforts;

10. *Reiterates its call upon* the authorities of Guinea-Bissau to release immediately all those detained in the events of 1 April 2010 or prosecute them with full respect for due process and to set free those under incarceration who were recently acquitted;

11. *Welcomes* the ECOWAS-CPLP partnership and looks forward to the final endorsement by ECOWAS of the road map developed by the Chiefs of Defence Staff to, inter alia, provide training and protection to Guinea-Bissau state institutions within the framework of security sector reform and as part of the stabilization of the country's political and security environment and requests the Secretary-General, through his Special Representative, to present to it comprehensive information detailing the proposed modalities, timing and resources relating to the implementation of the ECOWAS road map;

12. *Requests* the Secretary-General to engage with ECOWAS and CPLP with a view to undertaking a joint assessment of the requirements to support the rapid implementation of the road map once endorsed by ECOWAS, including, how the necessary resources can best be mobilized, in coordination with relevant partners including the AU, EU, ECOWAS and CPLP member States;

13. *Requests* the Secretary-General, through his Special Representative, to extend political support for the implementation of the road map;

14. *Urges* the Government of Guinea-Bissau to continue to tackle corruption including by implementing the United Nations Convention against Corruption and to create an environment conducive to the implementation of the West Africa Coast Initiative (WACI) in Guinea-Bissau and urges relevant national entities to establish a Transnational Crime Unit in Guinea-Bissau through adequate mechanisms;

15. *Urges* the international community, including the Peacebuilding Commission and regional organizations such as the AU, the EU, ECOWAS and the CPLP, as well as bilateral partners as appropriate, to increase their political and financial support to WACI to fight transnational organized crime and drug trafficking which threaten peace and security in Guinea-Bissau and in the subregion; *welcomes* in this regard the commitment of ECOWAS with the United Nations, the EU and other partners for the immediate implementation of the ECOWAS Regional Action Plan on Drug Trafficking and Organized Crime, including options for targeted sanctions against those individuals identified as members or supporters of the drug

trafficking network, and agrees to keep the situation under active review, and to consider appropriate action;

16. *Requests* the Secretary-General, through his Special Representative in Guinea-Bissau, to continue to support national efforts to effectively coordinate international assistance for credible security sector reform under the principle of full civilian control of the military and on the basis of a comprehensive threat assessment, taking into account the work already undertaken by the EU and other international actors in this area;

17. *Requests* the Peacebuilding Commission to continue to support the implementation of Guinea-Bissau's peacebuilding priorities as well as to continue to provide advice to the Security Council on how to remove critical obstacles to peacebuilding in Guinea-Bissau, in particular security sector reform and drug trafficking and to keep the Council updated on progress it has made in helping to address these;

18. *Encourages* the Special Representative of the Secretary-General to continue to pursue efforts to enhance integration and effectiveness of the United Nations on the ground in support of the stabilization, peace and development priorities of the Government and people of Guinea-Bissau;

19. *Emphasizes* the important role of women in prevention and resolution of conflicts and in peacebuilding, as recognized in resolution 1325 (2000) and 1820 (2008), 1888 (2009) and 1889 (2009), *underlines* that a gender perspective should be taken into account in implementing all aspects of the mandate of UNIOGBIS, and encourages UNIOGBIS to work with national authorities in this regard, and relevant stakeholders to improve women's participation in peacebuilding;

20. *Requests* the Secretary-General to report on progress made in implementing this resolution and the mandate of UNIOGBIS as outlined in resolution 1876 (2009), every four months, including in his first report details of progress made in undertaking the joint assessment referred to in paragraph 12 and the implementation of the road map, once endorsed by ECOWAS;

21. *Decides* to remain actively seized of the matter.

**Security Council**

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23 November 2010

Resolution 1950 (2010)

**Adopted by the Security Council at its 6429th meeting, on
23 November 2010**

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008), 1838 (2008), 1844 (2008), 1846 (2008), 1851 (2008), 1897 (2009), and 1918 (2010), as well as the Statement of its President (S/PRST/2010/16) of 25 August 2010,

Continuing to be gravely concerned by the ongoing threat that piracy and armed robbery at sea against vessels pose to the prompt, safe, and effective delivery of humanitarian aid to Somalia and the region, to the safety of seafarers and other persons, to international navigation and the safety of commercial maritime routes, and to other vulnerable ships, including fishing activities in conformity with international law, and also gravely concerned by the extended range of the piracy threat into the western Indian Ocean and the increase in pirate capacities,

Expressing concern about the reported involvement of children in piracy off the coast of Somalia,

Recognizing that the ongoing instability in Somalia contributes to the problem of piracy and armed robbery at sea off the coast of Somalia, and stressing the need for a comprehensive response to tackle piracy and its underlying causes by the international community,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, including Somalia's rights with respect to offshore natural resources, including fisheries, in accordance with international law, and stressing the importance of preventing, in accordance with international law, illegal fishing and illegal dumping, including toxic substances,

Further reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 ("The Convention"), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

Again taking into account the crisis situation in Somalia, and the limited capacity of the Transitional Federal Government (TFG) to interdict, or upon



interdiction to prosecute pirates or to patrol or secure the waters off the coast of Somalia, including the international sea lanes and Somalia's territorial waters,

Noting the several requests from the TFG for international assistance to counter piracy off its coast, including the letter of 20 October 2010 from the Permanent Representative of Somalia to the United Nations expressing the appreciation of the TFG to the Security Council for its assistance, expressing the TFG's willingness to consider working with other States and regional organizations to combat piracy and armed robbery at sea off the coast of Somalia, and requesting that the provisions of resolution 1897 (2009) be renewed for an additional twelve months,

Commending the efforts of the EU operation Atalanta, North Atlantic Treaty Organization operations Allied Protector and Ocean Shield, Combined Maritime Forces' Combined Task Force 151, and other States acting in a national capacity in cooperation with the TFG and each other, to suppress piracy and to protect vulnerable ships transiting through the waters off the coast of Somalia, and *welcoming* the efforts of individual countries, including China, India, Islamic Republic of Iran, Japan, Malaysia, Republic of Korea, Russian Federation, Saudi Arabia, and Yemen, which have deployed ships and/or aircraft in the region, as stated in the Secretary-General's report (S/2010/394),

Welcoming the capacity building efforts made by the International Maritime Organization (IMO) Djibouti Code Trust Fund (Multi-donor trust fund — Japan initiated), and the Trust Fund Supporting Initiatives of States Countering Piracy off the Coast of Somalia, and recognizing the need for all engaged international and regional organizations to cooperate fully,

Noting with concern that the continuing limited capacity and domestic legislation to facilitate the custody and prosecution of suspected pirates after their capture has hindered more robust international action against the pirates off the coast of Somalia, and in some cases has led to pirates being released without facing justice, regardless of whether there is sufficient evidence to support prosecution, and *reiterating* that, consistent with the provisions of the Convention concerning the repression of piracy, the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation ("SUA Convention") provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation,

Underlining the importance of continuing to enhance the collection, preservation and transmission to competent authorities of evidence of acts of piracy and armed robbery at sea off the coast of Somalia, and *welcoming* the ongoing work of IMO, INTERPOL and industry groups to develop guidance to seafarers on preservation of crime scenes following acts of piracy, and noting the importance for the successful prosecution of acts of piracy of enabling seafarers to give evidence in criminal proceedings,

Commending the Republic of Kenya and the Republic of Seychelles' efforts to prosecute suspected pirates in their national courts, *welcoming* the engagement of the Republic of Mauritius, and *noting* with appreciation the assistance being provided by the United Nations Office of Drugs and Crime (UNODC), the Trust Fund Supporting Initiatives of States Countering Piracy off the Coast of Somalia,

and other international organizations and donors, in coordination with the Contact Group on Piracy off the Coast of Somalia ("CGPCS"), to support Kenya, Seychelles, Somalia, and other States in the region, including Yemen, to take steps to prosecute, or incarcerate in a third state after prosecution elsewhere, captured pirates consistent with applicable international human rights law, and emphasizing the need for States and international organizations to further enhance international efforts in this regard,

Welcoming the readiness of the national and regional administrations of Somalia to cooperate with each other and with States who have prosecuted suspected pirates with a view to enabling convicted pirates to be repatriated back to Somalia under suitable prisoner transfer arrangements, consistent with applicable international law including international human rights law,

Welcoming the report of the Secretary General (S/2010/394), as requested by resolution 1918 (2010), and the ongoing efforts within the CGPCS and the United Nations Secretariat to explore possible additional mechanisms to effectively prosecute persons suspected of piracy and armed robbery at sea off the coast of Somalia,

Stressing the need for States to consider possible methods to assist the seafarers who are victims of pirates, and welcoming in this regard the ongoing work within the CGPCS and the International Maritime Organization on developing guidelines for the care of seafarers and other persons who have been subjected to acts of piracy,

Further noting with appreciation the ongoing efforts by UNODC and UNDP to support efforts to enhance the capacity of the corrections system in Somalia, including regional authorities notably with the support of the Trust Fund Supporting Initiatives of States Countering Piracy off the Coast of Somalia, to incarcerate convicted pirates consistent with applicable international human rights law,

Bearing in mind the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, and *recognizing* the efforts of signatory States to develop the appropriate regulatory and legislative frameworks to combat piracy, enhance their capacity to patrol the waters of the region, interdict suspect vessels, and prosecute suspected pirates,

Emphasizing that peace and stability within Somalia, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a durable eradication of piracy and armed robbery at sea off the coast of Somalia, and *further emphasizing* that Somalia's long-term security rests with the effective development by the TFG of the National Security Force and Somali Police Force, in the framework of the Djibouti Agreement and in line with a national security strategy,

Determining that the incidents of piracy and armed robbery at sea off the coast of Somalia exacerbate the situation in Somalia, which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery against vessels in the waters off the coast of Somalia;

2. *Recognizes* that the ongoing instability in Somalia is one of the underlying causes of the problem of piracy and contributes to the problem of piracy and armed robbery at sea off the coast of Somalia, and *stresses* the need for a comprehensive response to tackle piracy and its underlying causes by the international community;

3. *Notes again* its concern regarding the findings contained in the 20 November 2008 report of the Monitoring Group on Somalia (S/2008/769, page 55) that escalating ransom payments and the lack of enforcement of the arms embargo established by resolution 733 (1992) are fuelling the growth of piracy off the coast of Somalia, and *calls upon* all States to fully cooperate with the Somalia and Eritrea Monitoring Group including on information sharing regarding possible arms embargo violations;

4. *Renews* its call upon States and regional organizations that have the capacity to do so, to take part in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution and international law, by deploying naval vessels, arms and military aircraft and through seizures and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use;

5. *Commends the work* of the CGPCS to facilitate coordination in order to deter acts of piracy and armed robbery at sea off the coast of Somalia, in cooperation with the IMO, flag States, and the TFG and *urges* States and international organizations to continue to support these efforts;

6. *Acknowledges* Somalia's rights with respect to offshore natural resources, including fisheries, in accordance with international law, *recalls* the importance of preventing, in accordance with international law, illegal fishing and illegal dumping, including toxic substances, and *calls upon* States and interested organizations, including the IMO, to provide technical assistance to Somalia, including regional authorities, and nearby coastal States upon their request to enhance their capacity to ensure coastal and maritime security, including combating piracy and armed robbery at sea off the Somali and nearby coastlines, and stresses the importance of coordination in this regard through the CGPCS;

7. *Encourages* Member States to continue to cooperate with the TFG in the fight against piracy and armed robbery at sea, notes the primary role of the TFG in the fight against piracy and armed robbery at sea, and *decides* that for a further period of twelve months from the date of this resolution to renew the authorizations as set out in paragraph 10 of resolution 1846 (2008) and paragraph 6 of resolution 1851 (2008), as renewed by resolution 1897 (2009), granted to States and regional organizations cooperating with the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the TFG to the Secretary-General;

8. *Affirms* that the authorizations renewed in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations, under the Convention, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law; and *affirms further* that such authorizations have been

renewed only following the receipt of the 20 October 2010 letter conveying the consent of the TFG;

9. *Further affirms* that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) do not apply to weapons and military equipment destined for the sole use of Member States and regional organizations undertaking measures in accordance with paragraph 7 above or to supplies of technical assistance to Somalia solely for the purposes set out in paragraph 6 above which have been exempted from those measures in accordance with the procedure set out in paragraphs 11 (b) and 12 of resolution 1772 (2007);

10. *Requests* that cooperating States take appropriate steps to ensure that the activities they undertake pursuant to the authorizations in paragraph 7 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

11. *Calls on* Member States to assist Somalia, at the request of the TFG and with notification to the Secretary-General, to strengthen capacity in Somalia, including regional authorities, to bring to justice those who are using Somali territory to plan, facilitate, or undertake criminal acts of piracy and armed robbery at sea, and *stresses* that any measures undertaken pursuant to this paragraph shall be consistent with applicable international human rights law;

12. *Calls upon* all States, and in particular flag, port, and coastal States, States of the nationality of victims, and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, and in the investigation and prosecution of all persons responsible for acts of piracy and armed robbery off the coast of Somalia, including anyone who incites or facilitates an act of piracy, consistent with applicable international law including international human rights law to ensure that all pirates handed over to judicial authorities are subject to a judicial process, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such as victims and witnesses and persons detained as a result of operations conducted under this resolution;

13. *Calls upon* all States to criminalize piracy under their domestic law and to favourably consider the prosecution of suspected, and imprisonment of convicted, pirates apprehended off the coast of Somalia, consistent with applicable international law including international human rights law;

14. *Reaffirms* its interest in the continued consideration of all seven options for prosecuting suspected pirates described in the Secretary-General's report (S/2010/394) which provide for different levels of international participation, taking into account further new information and observations from the Secretary-General based on the consultations being conducted by his Special Adviser on Legal Issues Related to Piracy off the Coast of Somalia, with a view to taking further steps to ensure that pirates are held accountable, emphasizing the need for strengthened cooperation of States, regional, and international organizations in achieving this goal, and encourages the CGPCS to continue its discussions in this regard;

15. *Urges* all States to take appropriate actions under their existing domestic law to prevent the illicit financing of acts of piracy and the laundering of its proceeds;

16. *Urges* States, in cooperation with INTERPOL and Europol, to further investigate international criminal networks involved in piracy off the coast of Somalia, including those responsible for illicit financing and facilitation;

17. *Stresses* in this context the need to support the investigation and prosecution of those who illicitly finance, plan, organize, or unlawfully profit from pirate attacks off the coast of Somalia;

18. *Commends* the establishment of the Trust Fund Supporting the Initiatives of States Countering Piracy off the Coast of Somalia and the International Maritime Organization (IMO) Djibouti Code Trust Fund (Multi-donor trust fund — Japan initiated) and *urges* both state and non-state actors affected by piracy, most notably the international shipping community, to contribute to them;

19. *Urges* States parties to the Convention and the SUA Convention to fully implement their relevant obligations under these Conventions and customary international law and cooperate with the UNODC, IMO, and other States and other international organizations to build judicial capacity for the successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia;

20. *Welcomes* the revisions by the IMO to its recommendations and guidance on preventing and suppressing piracy and armed robbery against ships, *underlines* the importance of implementing such recommendations and guidance by all stakeholders, including the shipping industry, and *urges* States, in collaboration with the shipping and insurance industries, and the IMO, to continue to develop and implement avoidance, evasion, and defensive best practices and advisories to take when under attack or when sailing in the waters off the coast of Somalia, and further *urges* States to make their citizens and vessels available for forensic investigation as appropriate at the first port of call immediately following an act or attempted act of piracy or armed robbery at sea or release from captivity;

21. *Requests* States and regional organizations cooperating with the TFG to inform the Security Council and the Secretary-General in 9 months of the progress of actions undertaken in the exercise of the authorizations provided in paragraph 7 above and further requests all States contributing through the CGPCS to the fight against piracy off the coast of Somalia, including Somalia and other States in the region, to report by the same deadline on their efforts to establish jurisdiction and cooperation in the investigation and prosecution of piracy;

22. *Requests* the Secretary-General to report to the Security Council within 11 months of the adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia;

23. *Expresses* its intention to review the situation and consider, as appropriate, renewing the authorizations provided in paragraph 7 above for additional periods upon the request of the TFG;

24. *Decides* to remain seized of the matter.

**Security Council**

Distr.: General
24 November 2010

Resolution 1951 (2010)

**Adopted by the Security Council at its 6431st meeting,
on 24 November 2010**

The Security Council,

Recalling its previous resolutions and statements of its President relating to the situation in Côte d'Ivoire and in the subregion,

Noting the letter of 22 November 2010 from the Secretary-General concerning the planned run-off elections scheduled to take place in Côte d'Ivoire on 28 November 2010,

Recalling the inter-mission cooperation arrangements provided for in paragraphs 4 to 6 of Security Council resolution 1609 (2005),

Also mindful of the need to support UNMIL's ability to carry out its mandate,

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to authorize the Secretary-General to temporarily redeploy from UNMIL to UNOCI for a period of no more than four weeks a maximum of three infantry companies and an aviation unit comprised of two military utility helicopters;

2. *Decides* to remain actively seized of the matter.



**Security Council**

Distr.: General
29 November 2010

Resolution 1952 (2010)

**Adopted by the Security Council at its 6432nd meeting,
on 29 November 2010**

The Security Council,

Recalling its previous resolutions, in particular resolution 1807 (2008), 1857 (2008) and 1896 (2009), and the statements of its President concerning the Democratic Republic of the Congo,

Reaffirming its commitment to the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo as well as all States in the region,

Taking note of the interim and final reports (S/2010/252 and S/2010/596) of the Group of Experts on the Democratic Republic of the Congo ("the Group of Experts") established pursuant to resolution 1771 (2007) and extended pursuant to resolutions 1807 (2008), 1857 (2008) and 1896 (2009) and of their recommendations, and *welcoming* the collaboration between the Group of Experts and the Government of the Democratic Republic of the Congo, as well as other Governments in the region and other international forums,

Reiterating its serious concern regarding the presence of armed groups and militias in the eastern part of the Democratic Republic of the Congo, including the provinces of North and South Kivu and Orientale Province, which perpetuate a climate of insecurity in the whole region,

Demanding that all armed groups, in particular the Forces démocratiques de libération du Rwanda (FDLR) and the Lord's Resistance Army (LRA), immediately lay down their arms and cease their attacks against the civilian population, *demanding also* that all the parties to the 23 March 2009 Agreements implement their commitments effectively and in good faith,

Reiterating its concern about the support received by illegal armed groups operating in the eastern part of the Democratic Republic of the Congo from regional and international networks,

Condemning the continuing illicit flow of weapons within and into the Democratic Republic of the Congo in violation of resolutions 1533 (2004), 1807 (2008), 1857 (2008) and 1896 (2009), *declaring* its determination to continue to monitor closely the implementation of the arms embargo and other measures set out



by its resolutions concerning the Democratic Republic of the Congo, and *stressing* the obligation of all States to abide by the notification requirements set out in paragraph 5 of resolution 1807 (2008),

Recalling the linkage between the illegal exploitation of natural resources, illicit trade in such resources and the proliferation and trafficking of arms as one of the major factors fuelling and exacerbating conflicts in the Great Lakes region of Africa,

Noting with great concern the persistence of human rights and humanitarian law violations against civilians in the eastern part of the Democratic Republic of the Congo, including the killing and displacement of significant numbers of civilians, the recruitment and use of child soldiers, and widespread sexual violence, *stressing* that the perpetrators must be brought to justice, *reiterating* its firm condemnation of all violations of human rights and international humanitarian law in the country, and *recalling* all its relevant resolutions on women and peace and security, on children and armed conflict, and on the protection of civilians in armed conflicts,

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law,

Welcoming the ongoing efforts of the Democratic Republic of the Congo and the countries of the Great Lakes region to jointly promote peace and stability in the region, in particular in the context of the International Conference on the Great Lakes Region, and *reiterating* the importance of the Government of the Democratic Republic of the Congo and all governments, particularly those in the region, taking effective steps to ensure that there is no support, in and from their territories, for the armed groups in the eastern part of the Democratic Republic of the Congo,

Supporting the commitment of the Government of the Democratic Republic of the Congo to rid the trade in natural resources of criminal networks and *welcoming* the enhanced collaboration between the Government of the Democratic Republic of the Congo and the Group of Experts in this area,

Determining that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to renew until 30 November 2011 the measures on arms imposed by paragraph 1 of resolution 1807 (2008) and *reaffirms* the provisions of paragraphs 2, 3 and 5 of that resolution;

2. *Decides* to renew, for the period specified in paragraph 1 above, the measures on transport imposed by paragraphs 6 and 8 of resolution 1807 (2008) and *reaffirms* the provisions of paragraph 7 of that resolution;

3. *Decides* to renew, for the period specified in paragraph 1 above, the financial and travel measures imposed by paragraphs 9 and 11 of resolution 1807 (2008) and *reaffirms* the provisions of paragraphs 10 and 12 of that resolution regarding the individuals and entities referred to in paragraph 4 of resolution 1857 (2008);

4. *Calls upon* all States to implement fully the measures specified in this resolution, and to cooperate fully with the Committee in carrying out its mandate;

5. *Requests* the Secretary-General to extend, for a period expiring on 30 November 2011, the Group of Experts established pursuant to resolution 1533 (2004) and renewed by subsequent resolutions, with the addition of a sixth expert on natural resources issues, and *requests* the Group of Experts to fulfil its mandate as set out in paragraph 18 of resolution 1807 (2008) and expanded by paragraphs 9 and 10 of resolution 1857 (2008), and to report to the Council in writing, through the Committee, by 18 May 2011 and again before 17 October 2011;

6. *Requests* the Group of Experts to focus its activities in areas affected by the presence of illegal armed groups, including North and South Kivu and Orientale Province, as well as on regional and international networks providing support to illegal armed groups, criminal networks and perpetrators of serious violations of international humanitarian law and human rights abuses, including those within the national armed forces, operating in the eastern part of the Democratic Republic of the Congo, *requests further* that the Group of Experts evaluate the impact of due diligence guidelines referred to in paragraph 7 of this resolution and continue its collaboration with other forums;

7. *Supports taking forward* the Group of Experts' recommendations on guidelines for due diligence for importers, processing industries and consumers of Congolese mineral products, as set out in paragraphs 356 to 369 in part IX of the final report (S/2010/596), to mitigate the risk of further exacerbating the conflict in the eastern part of the Democratic Republic of the Congo by providing direct or indirect support to:

- illegal armed groups, in the eastern part of the Democratic Republic of the Congo,
- those found to violate the asset freeze and travel ban on sanctioned individuals and entities, as renewed by paragraph 3 above,
- criminal networks and perpetrators of serious violations of international humanitarian law and human rights abuses, including those within the national armed forces.

8. *Calls upon* all States to take appropriate steps to raise awareness of the due diligence guidelines referred to above, and to urge importers, processing industries and consumers of Congolese mineral products to exercise due diligence by applying the aforementioned guidelines, or equivalent guidelines, containing the following steps as described in the final report (S/2010/596): strengthening company management systems, identifying and assessing supply chain risks, designing and implementing strategies to respond to identified risks, conducting independent audits, and publicly disclosing supply chain due diligence and findings;

9. *Decides* that the Committee, in determining whether to designate an individual or entity supporting the illegal armed groups in the eastern part of the Democratic Republic of the Congo through illicit trade of natural resources, pursuant to sub paragraph (g) of paragraph 4 of resolution 1857 (2008) should consider, amongst other things, whether the individual or entity has exercised due diligence consistent with the steps set out in paragraph 8;

10. *Calls upon* all States, especially those in the region, to take effective steps to ensure that there is no support, in and from their territories, for the illegal armed groups in the eastern part of the Democratic Republic of the Congo, welcoming the positive international developments in regard to addressing the risks posed by armed group leaders in the diasporas, and *calls upon* all States to take action, where appropriate, against leaders of the FDLR and other illegal armed groups residing in their countries;

11. *Encourages* the Government of the Democratic Republic of the Congo to continue to take appropriate measures to address the threat of criminal networks within the Armed Forces of the Democratic Republic of the Congo (FARDC) involved in illegal economic activities, such as mining, undermining their capacity to protect civilians in the eastern part of the country;

12. *Calls upon* the Congolese authorities to continue their fight against impunity, especially against all perpetrators of human rights and international humanitarian law violations, including sexual violence, including those committed by any illegal armed groups or elements of the FARDC;

13. *Encourages* the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) to continue to share all relevant information with the Group of Experts, especially information on the recruitment and use of children, and on the targeting of women and children in situations of armed conflicts;

14. *Reiterates* its recommendation to the Government of the Democratic Republic of the Congo to promote stockpile security, accountability and management of arms and ammunition as an urgent priority, with the assistance of international partners as necessary, and to implement a national weapons marking program in line with the standards established by the Nairobi Protocol and the Regional Centre on Small Arms;

15. *Urges* the international community to consider providing increased technical or other assistance to reinforce the Congolese justice institutions and support to strengthen the institutional capacity of the mining, law enforcement and border control agencies and institutions of the Democratic Republic of the Congo;

16. *Urges* MONUSCO to continue supporting the efforts of the Congolese authorities to strengthen their justice system, to consolidate the trading counters in North and South Kivu and to monitor the measures imposed by paragraph 1 above, as mandated in the sub paragraphs (o), (r) and (t) of paragraph 12 of resolution 1925 (2010);

17. *Encourages* enhanced cooperation between all States, particularly those in the region, MONUSCO and the Group of Experts and *encourages further* that all parties and all States ensure cooperation with the Group of Experts by individuals and entities within their jurisdiction or under their control;

18. *Reiterates* its demand, expressed in paragraph 21 of resolution 1807 (2008) and reaffirmed in paragraph 14 of resolution 1857 (2008) and paragraph 13 of resolution 1896 (2009), that all parties and all States, particularly those in the region, cooperate fully with the work of the Group of Experts, and that they ensure the safety of its members, and unhindered and immediate access, in particular to

persons, documents and sites the Group of Experts deems relevant to the execution of its mandate;

19. *Recommends* that all States, particularly those in the region, regularly publish full import and export statistics for natural resources including gold, cassiterite, coltan, wolframite, timber, and charcoal and enhance information sharing and joint action at the regional level to investigate and combat regional criminal networks and armed groups involved in the illegal exploitation of natural resources;

20. *Calls upon* all States, particularly those in the region and those in which individuals and entities designated pursuant to paragraph 3 of this resolution are based, to regularly report to the Committee on the actions they have taken to implement the measures imposed by paragraphs 1, 2, and 3 and recommended in paragraph 8 above;

21. *Encourages* all States to submit to the Committee for inclusion on its list of designees, individuals or entities that meet the criteria set out in paragraph 4 of resolution 1857 (2008), as well as any entities owned or controlled, directly or indirectly, by the submitted individuals or entities or individuals or entities acting on behalf of or at the direction of the submitted entities;

22. *Decides* that, when appropriate and no later than 30 November 2011, it shall review the measures set forth in this resolution, with a view to adjusting them, as appropriate, in light of the security situation in the Democratic Republic of the Congo, in particular progress in security sector reform including the integration of the armed forces and the reform of the national police, and in disarming, demobilizing, repatriating, resettling and reintegrating, as appropriate, Congolese and foreign armed groups;

23. *Decides* to remain actively seized of the matter.